

REMARKS

I. Introduction

In response to the Office Action dated September 11, 2003, please consider the following remarks. Claims 1-32 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

IV. The Cited References and the Subject Invention

A. The Feder Reference

U.S. Patent No. 5,872,845, issued February 16, 1999 to Feder discloses a method and apparatus for interfacing fax machines to digital communication networks. In accordance with the preferred embodiment, the invention receives a modulated compressed facsimile message, which is then demodulated, decompressed and stored as a file. Thereafter, it is compressed for data transmission and sent to a server for transmission over a data network. At the receiving end, the file is decompressed and then re-compressed and modulated for transmission to a receiving facsimile machine.

B. The Berkley Reference

U.S. Patent Application Publication No. 2002/0131573, published September 19, 2002 to Berkley et al. discloses active user registry system that comprises a database which is integrated with the POTS network and a packet network (such as the Internet, or a corporate intranet). Integrating AUR with the POTS network and a packet network exploits the outstanding strengths of both of its constituents, such as the low-latency, high reliability, moderate fidelity real-time voice telephony provided by the POTS network, and the point-and-click access to distributed databases with excellent search capabilities provided by a packet network, such as the Internet (including those made available using browser technology in conjunction with the World Wide Web). The AUR database contains a dynamic data structure (such as a linked list or a hashed table) of all the ways in which one or more users can be reached via some type of communication network (e.g., through the POTS network or a packet network, or both). A key feature of the AUR is the ability to broker between a subscriber's request for communications contact information corresponding to a user and the user's preferences of being reached by various

communications alternatives. Other features may be included with the AUR, including an AUR cache which provides subscribers with rapid-access entry points into the AUR, or automatic updating of user contact information. Further, the capability of learning the user's preferences is included as an additional feature and is also included as a feature in an alternative embodiment of the present invention.

C. The Brossman Reference

U.S. Patent No. 6,498,661, issued December 24, 2002 to Brossman et al. discloses a method and apparatus for rendering grayscales at a facsimile presentation device using a calibrated threshold matrix. In one embodiment of the invention, the method comprises the steps of receiving a presentation job comprising input data associable with at least one input grayscale value, retrieving at least one of a plurality of threshold matrices, each threshold matrix selected to control a grayscale rendering characteristic of the facsimile presentation device associated with the threshold matrix, applying the grayscale values to the retrieved threshold matrix to rasterize the input data, and transmitting the rasterized input data to the facsimile presentation device. This invention can be practiced in several embodiments, and permits the user to select the threshold matrix according to the presentation device and/or a selected presentation quality. In another embodiment of the invention, the apparatus comprises a means for receiving a presentation job having input data associable with at least one input grayscale value, means for retrieving at least one of a plurality of threshold matrices, each threshold matrix selected to control a grayscale rendering characteristic of the facsimile presentation device associated with the threshold matrix, means for applying the grayscale values to the retrieved threshold matrix to rasterize the input data, and means for transmitting the rasterized input data to the facsimile presentation device.

D. The Reifman Reference

U.S. Patent No. 5,917,615, issued June 29, 1999 to Reifman et al. discloses a system and method for facsimile load balancing. A user interface simplifies operation of an intelligent facsimile machine (IFAX). A display screen displays a plurality of menus and allows the user to select from the menus. The IFAX can store a plurality of digital cover pages to minimize transmission time for a facsimile cover page. The user may select from a list of stored digital cover pages. The user may also attach a binary data file to a facsimile message and transfer

the data to another facsimile machine. The IFAX uses a storage location for storing outgoing facsimile messages. The IFAX periodically check the storage location to determine if more than one facsimile message is to be transmitted to the same location and transmits the facsimile messages in one facsimile telephone call. If the IFAX is coupled to a second IFAX on a network, the two IFAX machines can balance the work load by sending a load transfer request if the number of outgoing facsimile messages exceeds a predetermined threshold level. The IFAX can also route incoming facsimile messages to a variety of destinations such as a floppy disk or other storage device, or an external computer. The IFAX can also relay incoming facsimile messages to another facsimile machine, using a set or relay instructions. The relay instructions may be stored in the IFAX or may be a portion of the incoming facsimile message. The relay instructions may be nested, and the IFAX sends the facsimile message to a second IFAX with instructions for the second IFAX to relay the facsimile message to a third facsimile machine. The IFAX contains security measures to prevent unauthorized relaying.

E. The Bobo Reference

U.S. Patent No. 5,675,507, issued October 7, 1997 to Bobo, II discloses a message storage and delivery system. The Message Storage and Deliver System (MSDS) is connected to a plurality of DID phone lines and receives facsimile messages, voice messages, and data messages. The MSDS assigns a separate telephone number for each user of the system and can simultaneously receive more than one message for a single user. The messages are stored in memory and are also converted into appropriate hyper-text mark-up language (HTML) files. The MSDS is connected to the Internet and notifies the users with an E-mail message each time a message is received. The MSDS can also page the user so that the user receives almost instantaneous notice of the message. The users can then connect to the MSDS through the Internet and have the messages downloaded to their computers or the users can simply preview the messages stored in the MSDS. The users of the MSDS therefore have the advantage of being able to receive their messages at any time and at any location at a reasonable cost. The MSDS offers a number of options on how the messages may be sent to the user, such as several preview options available with facsimile messages. The user can also telephone the MSDS to listen to messages or to alter the service provided by the MSDS.

F. The Choksi Reference

U.S. Patent No. 6,477,243, issued November 5, 2002 to Choksi et al. discloses a method and apparatus for automated facsimile message confirmation. Integration of telecommunication message services and other communication services is achieved by notifying a user of a communication system of successful receipt of a message (e.g., a facsimile message) by sending a confirmation message to the user, e.g., using e-mail, facsimile, voice and/or data communications. The user may be identified by a unique identifier, e.g., a telephone number. The confirmation message may comprise a facsimile message, an attachment which includes the received message or a computer network address of a location where information regarding the received message and/or the message itself may be accessed. For the latter case, the computer network address is preferably a universal resource locator (URL) associated with a web page at which the information and/or received message may be accessed. The information may allow the user to view the message (e.g., as marked up by the intended recipient thereof), and/or it may indicate whether the intended recipient has read, reviewed, down-loaded to a hard copy or other device or otherwise accessed the message.

G. The Lee Reference

U.S. Patent No. 5,007,054, issued April 9, 1991 to Lee et al. discloses a network and protocol for real-time control of machine operations. A communication network is comprised of a first, second, third and fourth controller node in line communication. Each controller node includes a microprocessor. Each microprocessor is programmable to respond to and generate data message bytes, each data byte having one start bit, eight data bits, one programmably settable bit and one stop bit. Each microprocessor is further programmable to respond only to a unique address-command data message byte from a message source node. The address-command byte is recognized because the settable bit is set. Each microprocessor is programmed to generate a reply message byte with the ninth bit not set and to then receive from the source node a message count byte followed uninterrupted by the data message bytes. Upon receiving a complete data message conforming to the received count of the count byte, the microprocessor then generates an acknowledgement byte.

V. Office Action Prior Art Rejections

On page (2), the Office Action rejected claims 1, 3, 4, 5, 8, 11, 13, 14, 15, 18, 21, 23, 24, and 27 under 35 U.S.C. § 103(a) as unpatentable over Feder, U.S. Patent No. 5,872,845 (Feder) in view of Berkley et al., U.S. Patent Application Publication No. 2002/0131573 (Berkley). The Applicants respectfully traverse these rejections.

With Respect to Claim 1, 11, and 21: Claim 1 recites:

receiving a message from a transmitting facsimile via a telephone network, the message comprising a receiving fax server telephone number appended with a recipient direct dial telephone number

According to the Office Action, the foregoing is disclosed in the Feder reference as follows:

Network 140 delivers the packets to server 150. Server 150 de-encapsulates the received message, retrieves the phone number information from the message, and initiates a phone call to second fax machine 170. This call is intercepted by second interface 160 which uses a conventional data handshake protocol to establish a connection. Upon establishing a connection, server 150 transfers its message to the second interface. Preferably, the communication line between the server and the second interface is a digital line.

The operation of the second interface 160 is the reverse of the operation of the first interface 120. In FIG. 4, the second interface 160 receives the message from the second server 150 (block 410) and decompresses it (block 420). It then retrieves the phone number information from the message (block 430) and compresses the message using a standard fax compression algorithm compatible with the addressed fax machine (block 440). It also modulates the compressed message using a conventional fax modulation (block 450). Finally, using the retrieved phone number, it transmits the reconstituted fax message to the second fax machine 170 as a conventional fax transmission to the called fax machine 170. In this case, the second interface apparatus 160 acts as the calling station and executes the calling station's portion of phases A, B, C, D and E of the fax transmission protocol (col. 6, lines 41-64).

The Applicants respectfully disagree. The foregoing passage of the Feder reference discloses receiving a packet-based message in a server from another server, not a transmitting facsimile. Further, the information is not received via a telephone network (it is received via a packet-switched communication system), nor is the message in a form with the receiving fax server telephone number appended with the recipient's direct dial telephone number (the destination fax telephone number is used instead, and phone number of the recipient's direct dial telephone number is not included).

The Office Action also indicates that the step of "automatically parsing the message to extract the recipient direct dial telephone number from the message" is disclosed in the

above passage. However, instead, the Feder reference teaches retrieving the phone number of the destination facsimile (not the recipient's direct dial telephone number) and uses this number to initiate a call to the destination facsimile.

As is apparent from the foregoing, the Feder reference teaches a system which is similar, but different than the Applicants' invention in a number of important respects.

The Office Action acknowledges that the Feder reference does not disclose the step of "determining an e-mail address and at least one recipient fax preference from the direct dial telephone number," but asserts that this step is disclosed by the Berkely reference, which purports to disclose a system with an ability to broker between a subscriber's request for communications contact information corresponding to a user, and the user's preference of being reached by various communications alternatives. The Office Action asserts that one of ordinary skill in the art would be motivated to combine the Feder system with the Berkely system, because this addition would enhance Feder's design and would add more options for subscribers.

The Applicants respectfully disagree. Feder envisions the transmission of information from one facsimile to another facsimile, not transmission from a facsimile to an individual. Accordingly, no allowance is made for the preferences of each of the many individuals that may be using the destination fax machine (no way of identifying such individuals is provided). Indeed, using the Feder system, it would appear that allowing for such preferences cannot be accomplished, as no mechanism is provided for making such a modification.

The only thing Feeder discloses that is analogous to recipient fax preferences involves the destination facsimile requirements that are transmitted to the transmitting facsimile in the negotiation phase. Given this teaching, Feder teaches that such preferences should be transmitted by the destination facsimile and subject to negotiation between the transmitting and destination facsimile machines if necessary, not handled autonomously by the destination facsimile.

Also, while the Berkely reference arguably shows directing a message according to user-defined preferences, nothing in the Berkely reference discloses processing a fax message according to recipient fax messages.

The Applicants also respectfully disagree that there is a teaching to combine the Feder and Berkely references. The Feder reference, like the Anglin reference cited in a

previous Office Action, teaches a fax-machine to fax-machine transfer of information. It does not disclose or suggest the transfer of information anywhere but the desired location. Also, as was the case with the Anglin reference, the ostensible purpose of this the Feder reference is to avoid long distance dialing fees (see (col. 3, lines 48-54), a purpose that would be largely frustrated if the user were permitted to redirect the fax to another remote location. It is therefore untrue that this feature would enhance Feder's design. Given the teaching of the Feder reference and the Anglin reference cited earlier, the prior art teaches away from the modification that the Office Action suggests. Accordingly, the Applicants respectfully traverse the rejection of claim 1.

Claims 11 and 21 recite features analogous to those of claim 1, and are therefore patentable on the same basis

On page (8), the Office Action rejected claims 30-32 as being unpatentable over Feder in view of Berkley, and further in view of Lee et al, U.S. Patent No. 5,007,054 (Lee). Applicants respectfully traverse these rejections.

With Respect to Claim 30-32: Claim 30 recites the step of detecting whether the fax payload is essentially identical to an earlier received fax payload. According to the Office Action, this is disclosed by the Lee reference at col. 8, lines 59-64. However, as described below, that portion of the Lee reference refers to the detection of message sequencing (identical messages transmitted more than once upon detecting an error condition):

If a negative acknowledgement (ACK/NAK) is transmitted by the destination node, the message is retransmitted by the source node. Message sequencing is used to detect a duplicated message, i.e. an identical message is transmitted more than once upon detecting an error condition. When a duplication is detected, the duplicated message is discarded. (col. 8, lines 59-64).

The Lee reference is directed to eliminating messages that are duplicated because of an acknowledgement protocol ... redundant messages that are transmitted to assure that the message was delivered. There is no teaching or motivation to modify Feder to perform an analogous acknowledgement protocol, because the acknowledgement function is achieved in the Feder reference by the implementation of the confirmation signaling provided in phase D (see col. 2, lines 1-4).

The Applicants' invention checks for duplicated entries in order to prevent delivery of junk facsimile messages. Since Feder does not even remotely teach or suggest sending multiple copies of the same facsimile message to multiple individuals using the same

destination facsimile (as opposed to a single fax machine which may be shared by several individuals), there can be no motivation to modify Feder to check for duplicated messages addressed to different individuals.

Claim 31 recites that the reception of the fax payload is terminated if the fax payload is essentially identical to an earlier received fax payload. Lee does not disclose terminating reception of duplicated messages ... they are instead received and later discarded. Similarly, claim 32 recites that the fax payload is flagged for deletion. Lee teaches that the messages be automatically deleted (as it would, since the source of the duplication is not unsolicited marketing, but a planned acknowledgement of the received message. Accordingly, the Applicants traverse the rejection of claims 30-32.

VI. Dependent Claims

Dependent claims 2-10, 12-20, 22-23, and 25-32 incorporate the limitations of their related independent claims, and are therefore patentable on this basis. In addition, these claims recite novel elements even more remote from the cited references. Accordingly, the Applicants respectfully request that these claims be allowed as well.

IX. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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